

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



DAC/S #11

In re application of:

UWE WITT ET AL.

Serial No.: 08/793,966

Filed: March 10, 1997

For: BIOLOGICALLY DEGRADABLE POLYESTER AND
WORKING MATERIAL CONSISTING THEREOF

Attorney Docket No.: BOET 0103 PUSA

Group Art Unit: Unknown

Examiner: Unknown

RECEIVED
AUG 25 2000
OFFICE OF PETITIONS

RECEIVED

18 JUN 2002

Legal Staff
International Division

Box DAC
Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

On April 1, 1999, Applicants filed a Petition to revive the above-identified application for unavoidable abandonment. Enclosed is a copy of Applicants' Petition and showing (Exhibit A) which adequately sets forth the facts, including the fact that the Office failed to appraise Applicants of the abandonment of the application. By Decision dated February 3, 2000 (Exhibit B), Applicants' attorney was informed that the Petition was not granted, but that Applicants could petition for revival for unintentional abandonment under 37 C.F.R. 1.137(b).

On March 2, 2000, a letter (Exhibit C) was directed to the clients' German patent agent asking whether the petition for unavoidable abandonment (37 C.F.R. § 1.137(a)

03/22/2000 EMAILED 00000099 08793966

01 70.141

1210.00 OP

CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8

I hereby certify that this paper, including all enclosures referred to herein, is being deposited with the United States Postal Service as first-class mail, postage pre-paid, in an envelope addressed to: Box DAC, Assistant Commissioner for Patents, Washington, D.C. 20231 on:

August 14, 2000
Date of Deposit

William G. Conger
Name of Person Signing

Signature

should be converted to one of unintentional abandonment under 37 C.F.R. § 1.137(b). When no response was forthcoming, a reminder was telefaxed on June 21, 2000. A reply telefax on July 28, 2000 indicated that the original telefax had never been received by the foreign agent, but that per the client's wishes, a Petition for Unintentional Abandonment should be filed (Exhibit D).

Therefore, please consider the attached copy (Exhibit A) of the petition under 37 C.F.R. § 1.137(a) to a petition for unintentional abandonment under 37 C.F.R. § 1.137(b). The entire delay between Applicants' first knowledge of the abandonment of the application and the date of the present Petition was unintentional. No terminal disclaimer is necessary since the application was filed after June 8, 1995. A check in the amount of \$1,210.00 for the Petition fee (37 C.F.R. § 1.17(m)) is enclosed. Although the Declaration executed by all three inventors was previously filed, a true copy is filed herewith (Exhibit E) as an exercise of extreme caution.

Please charge any additional fees or credit any overpayments as a result of the filing of this paper to our Deposit Account No. 02-3978 -- a duplicate of this paper is enclosed for that purpose.

Respectfully submitted,

UWE WITT ET AL.

By 
William G. Conger
Reg. No. 31,209
Attorney for Applicant

Date: August 14, 2000

BROOKS & KUSHMAN P.C.
1000 Town Center, 22nd Floor
Southfield, MI 48075
Phone: 248-358-4400
Fax: 248-358-3351

O I P E JCC
AUG 22 2000
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

UWE WITT ET AL.

Group Art Unit:

Serial No.: 08/793,966

Examiner:

RECEIVED

Filed: March 10, 1997

AUG 25 2000

For: BIOLOGICALLY DEGRADABLE POLYESTER AND
WORKING MATERIAL CONSISTING THEREOF

OFFICE OF PETITIONS

Attorney Docket No.: BOET 0103 PUSA

**COMBINED PETITION FOR REVIVAL OF AN APPLICATION
FOR PATENT ABANDONED UNAVOIDABLY UNDER 37 C.F.R. 1.137(a)
AND SHOWING RELATED THERETO UNDER 37 C.F.R. 1.137(a)(3)**

Box DAC

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

Applicants hereby petition for revival of the above-identified application which was unavoidably abandoned. The Petition fee (37 C.F.R. § 1.17(l)) accompanies this Petition. Applicants showing is set forth below. Applicants have submitted this Petition under 37 C.F.R. § 1.137(a), but believe that it could have been presented as a request for reinstatement of an application erroneously abandoned by the Office. The facts are set forth below.

1. On September 14, 1998, Applicants requested to be informed of the status of US Patent application serial number PCT/EP95/02722. On November 19, 1998, Applicants received a letter from the PCT legal office indicating that this application had been abandoned, and that a NOTIFICATION OF ABANDONMENT had been mailed on January 2, 1998.

CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8

I hereby certify that this paper, including all enclosures referred to herein, is being deposited with the United States Postal Service as first-class mail, postage pre-paid, in an envelope addressed to: Box DAC, Assistant Commissioner for Patents, Washington, D.C. 20231 on:

April 1, 1999
Date of Deposit

William G. Conger
Name of Person Signing

Signature

2. This application was filed with a defective Declaration which did not properly identify the citizenship of the inventors. The Declaration was however signed by all inventors. A notice to file missing parts was issued on April 16, 1997, giving a one month period to reply, extendable under 37 C.F.R. § 1.136(a) for a period of up to five months. On 15 May, 1997, within the one month period, Applicants submitted the Declaration signed by two of the three inventors. The third inventor had meanwhile left the employee of the assignee. This second Declaration properly indicated the citizenship of all of the inventors. On June 25, 1997, a notification of a defective response was submitted by the PCT legal office. This notification of defective response indicated that applicant is required to complete the response within a time of one month or five months from the date of response set in the Notification of Missing Requirements. This latter date would have been October 16, 1997.

3. Applicants' attorney believed that the two Declarations together fully satisfied the requirements of 37 C.F.R. § 1.497 and 37 C.F.R. § 1.63, and filed a response directing the office's attention to M.P.E.P. § 602.02 which indicated that:

Where neither the original oath or declaration, nor the substitute oath or declaration is complete in itself, but the two taken together give all the required data, no further oath or declaration is needed.

The two Declarations together did indeed give all the required data. Applicants submitted this response to the Patent and Trademark office on July 8, 1997, again well within the one month period of response required by the Notification of a Defective Response, and also within the five month period from the initial notice, which period would expire on October 16, 1997. Applicants received no further communication from the office until they received a letter dated 17 November, 1998 in response to Applicants' Request for Status of the Application, indicating that the application had been abandoned.

4. Applicants' attorney telephoned the PCT legal office and requested a copy of the Notice of Abandonment, which had never been received. Subsequently, a copy of a Notice of Abandonment was received which, however, failed to identify the application. Notably, the serial number was wrong, the first named Applicant was wrong, and the address

in Florina, Greece was totally wrong. Applicants are unfamiliar with any of the individuals, with the serial number, or the address identified in this Notification of Abandonment. Applicants never received the Abandonment.

5. Applicants believed that their response filed on July 8, 1997 was a satisfactory response in every respect to the Notification of Defective Response mailed June 25, 1997 and if not totally satisfactory, was at least a bona fide effort to respond. At the very least, Applicants believe that the Office has a duty to inform Applicants when a response is not sufficient.

6. The Manual of Patent Examining Procedure, in Section 714.05, states:

Actions by applicant, especially those filed near the end of the period for response, should be inspected immediately upon filing to determine whether they are completely responsive to the preceding Office action so as to prevent abandonment of the application. If found inadequate, and sufficient time remains, application should be notified of the deficiencies and warned to complete the response within the period.

The Patent Statutes, 35 U.S.C. § 132, indicates that "whenever, on Examination, a claim for a patent is rejected, or any objection or requirement made, the Commissioner shall notify the applicant thereof"

7. Applicants believed that their response was completely adequate to resolve the issue of the defective Declaration. If not, Applicants would have expected to receive further notification that their response was insufficient. In keeping with M.P.E.P. § 714.05, sufficient time still remained for Applicants to reply if their response were held insufficient. Factually, more than 3 months of the entered period remained. However, Applicants could not be aware that their response was insufficient without being notified of any alleged insufficiency. This, the office never did. Moreover, the Office never informed Applicants of the abandonment of their application. Applicants never received any indication that their prior response was defective and that therefore the period for response was continuing to run. Had the office indicated that the July 8, 1997 response of Applicants was

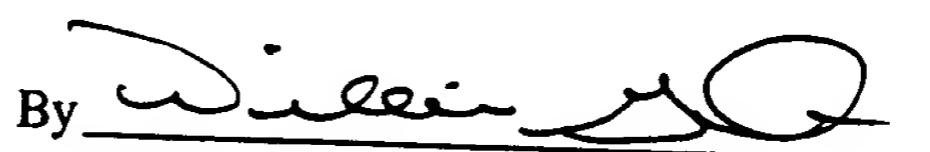
defective in any way, Applicants would have still had time to respond by submitting an Extension of Time extending the time period well into October. Because Applicants never received any notification that this time period was running, and because Applicants never received any indication that the case was abandoned, Applicants submit that the abandonment was unavoidable.

While Applicants believe that their prior response and the two Declarations previously submitted both a bonafide attempt to respond as well as a sufficient response under the law, submitted herewith is a Declaration signed by all three inventors which without question meets all of the statutory requirements.

A check in the amount of \$55.00 is enclosed to cover the Petition fee. Please charge any additional fees or credit any overpayments as a result of the filing of this paper to our Deposit Account No. 02-3978 -- a duplicate of this paper is enclosed for that purpose.

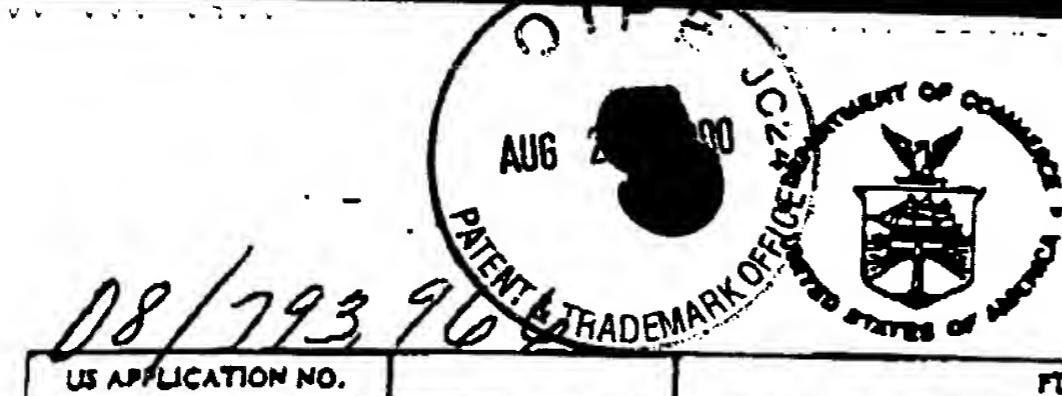
Respectfully submitted,

UWE WITT ET AL.

By 
William G. Conger
Reg. No. 31,209
Attorney for Applicant

Date: April 1, 1999

BROOKS & KUSHMAN P.C.
1000 Town Center, 22nd Floor
Southfield, MI 48075
Phone: 248-358-4400
Fax: 248-358-3351



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
BOX PCT
Washington, D.C. 20231

RECEIVED

US APPLICATION NO.

FIRST NAMED APPLICANT

AUG 25 2000

08/732,272

VAGOUDIS

OFFICE OF PCT

DIMITRIOS VAGOUDIS
121 PAVOYMEI. GR-531.00
FLORINA
GREECE

5621

D
INTERNATIONAL APPLICATION NUMBER
PCT/GR96/00006

I.A. FILING DATE	PRIORITY DATE
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03/01/96 03/01/95

DATE MAILED: 01/02/98

NOTIFICATION OF ABANDONMENT

The United States Patent and Trademark Office in its capacity as
 a Designated Office (37 CFR 1.494), an Elected Office (37 CFR 1.495), has made the following determination:

1. Applicant's letter of express abandonment received _____ is in compliance with 37 CFR 1.138 and is hereby acknowledged.

2. Applicant has failed to provide the full U. S. Basic National Fee by 20 months (37 CFR 1.494 (b)(2)), 30 months (37 CFR 1.495 (b)(2)).

3. Applicant has failed to respond to the notification of MISSING REQUIREMENTS (Form PCT/DO/EO/905), mailed _____ within the time period set therein.

4. Applicant has failed to properly respond to the notification of MISSING REQUIREMENTS (Form PCT/DO/EO/905), mailed _____ within the time period set therein. See the attached NOTIFICATION OF A DEFECTIVE RESPONSE (Form PCT/DO/EO/916).

5. Other: *Applicant has failed to properly respond to the Defective Response Notice. 1st Declaration citizenship was omitted 2nd Declaration one applicant did not sign.*

Therefore, the above identified application failed to meet the requirements of 35 U.S.C. 371 and 37 CFR 1.494, 1.495 and is ABANDONED AS TO THE UNITED STATES OF AMERICA.

Anita Johnson

Telephone: (703) 305-3664

Anita Johnson
PCT International Division

FORM PCT/DO/EO/909 (1993)

17 NOV 1998



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

Box 5103 PUSA

Patent Cooperation Treaty
Legal Office

Address: Assistant Commissioner for Patents
Box PCT
Washington, D.C. 20231

William G. Conger
1000 Town Center
Twenty-Second Floor
Southfield, Michigan 48075

Dear Mr. Conger,

This is in response to your letter received 17 September 1998 inquiring about the status of the U.S. national stage filing of PCT/EP95/02722 which has been assigned U.S. application number 08/793,966. Accordingly to U.S. Patent and Trademark Office records, the United States Designated/Elected Office (DO/EO/US) mailed applicant a NOTIFICATION OF ABANDONMENT (FORM PCT/DO/EO/909) on 02 January 1998 and application number 08/793,966 is now abandoned. A copy of the 02 January 1998 NOTIFICATION is attached to this communication.

Sally Gardner-Lane
PCT Detailee
PCT Legal Office

Jennifer D. Bahr
PCT Legal Examiner
PCT Legal Office

SGL/JDB:sgl

Tel: (703)305-5474
Fax: (703)308-6459

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In regard to International Application

UWE WITT ET AL.

Serial No. PCT/EP95/02722

Filed: 12 July 1995

Title: BIOLOGICALLY DEGRADABLE POLYESTER AND
WORKING MATERIAL CONSISTING THEREOF

Attorney Docket No.: BOET 0103 PUSA

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on

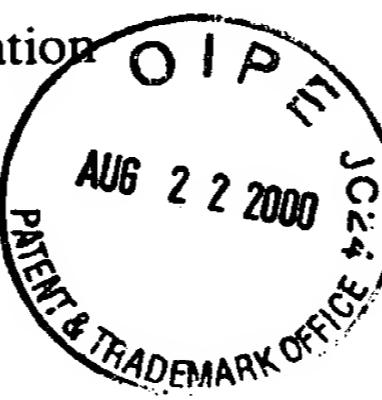
September 14, 1998
(Date of Deposit)

William G. Conger
Reg. No. 31,209

Group Art Unit: Unknown

Examiner: Unknown

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AUG 25 2000
OFFICE OF PETITIONS



STATUS LETTER

Assistant Commissioner for Patents
Washington, D.C. 20231

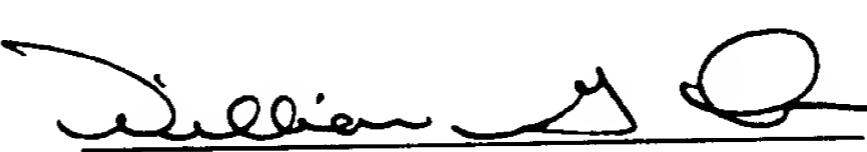
Sir:

Upon reviewing the above identified patent application, we note that we have received no further correspondence on this file since Applicants' Response To "Notification Of a Defective Response" dated July 7, 1997 was mailed to the Patent and Trademark Office. Please advise us of the status of this patent application.

Respectfully submitted,

UWE WITT ET AL.

BROOKS & KUSHMAN P.C.


William G. Conger
Registration No. 31,209
Attorney of Record
1000 Town Center
Twenty-Second Floor
Southfield, Michigan 48075
(810) 358-4400

WGC/slk

Dated: September 14, 1998

UNDER THE PATENT COOPERATION TREATY
BEFORE THE UNITED STATES RECEIVING OFFICE

In regard to International Application:

Serial No.: PCT/EP95/02722

Applicant: UWE WITT et al.

Filed: 12 July 1995

U.S. Application No. 08/793,966

Title: BIOLOGICALLY DEGRADABLE POLYESTER AND
WORKING MATERIAL CONSISTING THEREOF

Authorized Officer:
Anita Johnson

I hereby certify that this correspondence is being deposited with
the United States Postal Service via Express Mail Label No.
EF751219695US in an envelope addressed to: Assistant
Commissioner for Patents, BOX PCT, Washington, D.C. 10131 on

7/8/97
(Date of Deposit)

Joan Farragher

Joan Farragher
(Signature)

APPLICANTS' RESPONSE TO "NOTIFICATION OF A DEFECTIVE RESPONSE"

On March 10, 1997, Applicants entered the National Phase in the United States in the above-identified PCT application. Submitted along with the remaining formal papers was a Declaration by the three named inventors. The Office mailed a "Notification of Missing Requirements..." (PTO Form PCT/DO/EO/905) dated April 16, 1997, indicating that the Declaration was defective for failing to identify the citizenship of each inventor. The citizenships of the second and third inventors had inadvertently been omitted. The Declaration met all other legal requirements.

On May 15, 1997, Applicants submitted a Supplemental Declaration which identified the citizenship of the second and third inventors, and which was executed by the second and third inventors. The Supplemental Declaration was not executed by the first inventor. However, the citizenship of the first inventor

had been correctly identified in the original Declaration which, in turn, had been executed by the first inventor. Applicants subsequently received a "Notification of a Defective Response" (Form PCT/DO/EO/916) dated June 25, 1997.

It is respectfully submitted, that the two Declaration together fully satisfy the requirements of 37 C.F.R. § 1.497 and 37 C.F.R. § 1.63. Copies of both Declarations and the "Notification of a Defective Response" are enclosed herewith. In this respect, attention is directed to MPEP § 602.02:

Where neither the original oath or declaration, nor the substitute oath or declaration is complete in itself, but the two taken together give all the required data, no further oath or declaration is needed.

Thus, Applicants believe that the requirements of 37 C.F.R. § 1.497 have been fully complied with, and Applicants respectfully request acknowledgement that the two declarations submitted indeed fulfill the requirements.

Respectfully submitted,

Uwe Witt et al.
BROOKS & KUSHMAN P.C.



William G. Conger
Registration No. 31,209
Attorney of Record
1000 Town Center, 22nd Floor
Southfield, Michigan 48075
(248) 358-4400

Dated: July 8, 1997
WGC:jbf
Enclosures

UNITED STATES D. OF COMMERCE
Patent and Trademark Office
Address: ASSISTANT COMMISSIONER FOR PATENTS
Box PCT
Washington, D.C. 20231

U.S. APPLICATION NO.



08/793.966



FIRST NAMED APPLICANT

WITT

ATTY. DOCKET NO.

BOET 0103 PU

INTERNATIONAL APPLICATION NO.

PCT/EP95/02722

5611

I.A. FILING DATE

PRIORITY DATE

07/12/95

09/09/94

DATE MAILED

06/25/97

NOTIFICATION OF A DEFECTIVE RESPONSE

1. The request for an extension of time (37 CFR 1.136(a)) filed _____ because the required fee is missing/insufficient. Extension of time fees are listed at 37 CFR 1.17(a)-(d). is defective

2. Applicant's response filed _____ was received in the Office on _____ which is after the expiration of the period for response set in the last Office notification mailed _____. This application will become abandoned unless applicant obtains an extension of time to reply to the last Office notification under 37 CFR 1.136(a).

3. Applicant's response filed 15 MAY 97 included the following items, the receipt of which is hereby acknowledged:

- Copy of the international application in:
 - a non-English language.
 - English.
- Translation of the international application into English which is defective for the reasons indicated on the attached Notice of Defective Translation.
- Processing fee (37 CFR 1.492(f)) which is insufficient.
- Oath or Declaration of inventors(s).
 - in compliance with 37 CFR 1.497(a) and (b).
 - not in compliance with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917.
- Surcharge (37 CFR 1.492(e)) which is insufficient.
- Copy of Article 19 amendments.
- Translation of Article 19 amendments into English.
- The International Preliminary Examination Report in English and its Annexes, if any.
- Translation of Annexes to the International Preliminary Examination Report into English.
- Preliminary amendment(s).
- Information Disclosure Statement(s).
- Assignment document.
- Power of Attorney and/or Change of Address.
- Substitute specification.
- Verified Statement Claiming Small Entity Status.
- Priority Document.
- Other:

Date: 7-25-97
Out: 7-11-97

4. All of the requirements set forth in the notification of MISSING REQUIREMENTS (Form PCT/DO/EO/905 mailed 16 APR 1997) have not been completed.

Applicant is required to complete the response within a time limit of ONE MONTH from the date of this Notification or within the time remaining in the response set forth in the Notification of Missing Requirements (Form DO/EO/905), whichever is the longer. No extension of this time limit may be granted under 37 C.F.R. § 1.136, but the period for response set in the Notification of Missing Requirements may be extended up to a maximum of five months.

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

Enclosed: PCT/DO/EO/917 Notice of Defective Translation

UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
Address: ASSISTANT COMMISSIONER FOR PATENTS
Washington, D.C.

U.S. APPLICATION NO. 08/1193766

FIRST NAMED APPLICANT

ATTY. DOCKET NO. 11

INTERNATIONAL APPLICATION NO. [REDACTED]

I.A. FILING DATE [REDACTED] PRIORITY DATE [REDACTED]

DATE MAILED:



NOTIFICATION OF A DEFECTIVE OATH OR DECLARATION

This application fails to contain an oath or declaration acceptable under 35 U.S.C. 371 (c)(4) for entry into the national stage in the United States of America. The period within which to correct these requirements and avoid abandonment is set in the accompanying Office action.

A new oath or declaration, identifying this application by the international application number and international filing date is required. The oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:

1. is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68. *By all inventors*
2. does not identify the specification to which it is directed.
3. does not identify the inventor(s).
4. does not identify the citizenship of each inventor.
5. does not state the person making the oath or declaration believes the named inventor or inventors to be the original and first inventor or inventors of the subject matter which is claimed and for which a patent is sought.

FAILURE TO SUBMIT AN OATH OR DECLARATION IN COMPLIANCE WITH 37 CFR 1.497(a) AND (b) WITHIN THE TIME PERIOD SET WILL RESULT IN FAILURE TO ENTER THE NATIONAL STAGE AND THE ABANDONMENT OF THE APPLICATION.

Additionally, the oath or declaration does not comply with 37 CFR 1.63 in that it:

1. does not identify the city and state or city and foreign country of residence or each inventor.
2. does not state that the person making the oath or declaration:
 - a. has reviewed and understands the contents of the specification, including the claims, as amended by any amendment specifically referred to in the oath or declaration.
 - b. acknowledges the duty to disclose information which is material to patentability as defined in 37 CFR 1.56.
3. does not identify the foreign application for patent or inventor's certificate on which priority is claimed pursuant to 37 CFR 1.55, and any foreign application having a filing date before that of the application on which priority is claimed, by specifying the application serial number, country, day, month, and year of its filing.
4. does not state that the person making the oath or declaration acknowledges the duty to disclose information which is material to patentability as defined in 37 CFR 1.56 which became available between the filing date of the prior application and filing date of the continuation in part application which discloses and claims subject matter in addition to that disclosed in the prior application (37 CFR 1.63(d)).

Patricia Johnson
Telephone: (703) 305-3601

Please type a plus sign (+) inside +

PTO/SB/01 (8-96)

for use through 9/30/98. OMB 0651-0032
U.S. DEPARTMENT OF COMMERCE
This form contains a valid OMB control number.

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DECLARATION FOR UTILITY OR DESIGN PATENT APPLICATION

Declaration OR Declaration
Submitted Submitted after
with Initial Filing Initial Filing

Attorney Docket Number	BOET 0103 PUSA
First Named Inventor	Uwe Witt
COMPLETE IF KNOWN	
Application Number	08/793,966
Filing Date	10 March 1997
Group Art Unit	
Examiner Name	Anita Johnson

As a below named inventor, I hereby declare that:

My residence, post office address, and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled :

BIOLOGICALLY DEGRADABLE POLYESTER AND WORKING MATERIAL CONSISTING THEREOF

(Title of the Invention)

the specification of which

is attached hereto

OR

was filed on (MM/DD/YYYY)

July 12, 1995

as United States Application Number or PCT International

Application Number

PCT/EP95/02722

and was amended on (MM/DD/YYYY)

(if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37 Code of Federal Regulations, § 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code § 119 (a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365 (a) of any PCT International application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or of any PCT International application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YYYY)	Priority Not Claimed		Certified Copy Attached?	
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> YES	<input type="checkbox"/> NO
44 32 161.9	Germany	09/09/94	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(1)95 08 737.2	Germany	03/10/95	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Additional foreign application numbers are listed on a supplemental priority sheet attached hereto.

I hereby claim the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below.

Application Number(s)	Filing Date (MM/DD/YYYY)	<input type="checkbox"/> Additional provisional application numbers are listed on a supplemental priority sheet attached hereto.

[Page 1 of 5]

Burden Hour Statement: This form is estimated to take 0.4 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231.
DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner of Patents and Trademarks, Washington, DC 20231

Please type a plus sign (+) inside



Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

DECLARATION

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s), or §365(c) of any PCT international application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of Title 35, United States Code §112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations §1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

U.S. Parent Application Number	PCT Parent Number	Parent Filing Date (MM/DD/YYYY)	Parent Patent Number (if applicable)
	PCT/EP95/02722	07/12/95	

Additional U.S. or PCT international application numbers are listed on a supplemental priority sheet attached hereto.

As a named inventor, I hereby appoint the following registered practitioner(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

Name	Registration Number	Name	Registration Number
William C. Conger	31,209		

Additional registered practitioner(s) named on a supplemental sheet attached hereto.

Direct all correspondence to:

Name	Mr. William G. Conger				
Address	Brooks & Kushman P.C.				
Address	1000 Town Center, Twenty-Second Floor				
City	Southfield	State	Michigan	ZIP	48075
Country	US	Telephone	(810) 358-4400	Fax	(810) 358-3351

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Name of Sole or First Inventor:		<input type="checkbox"/> A petition has been filed for this unsigned inventor					
Given Name	Uwe	Middle Initial		Family Name	Witt	Suffix e.g. Jr.	
Inventor's Signature					Date		
Residence: city	Braunschweig	State		Country	Federal Republic of Germany	Citizenship	German
Post Office Address	Mascheroder Weg 1, 38124 Braunschweig						
Post Office Address							
city	Braunschweig	state	Zip	Country	Federal Republic of Germany		

Additional inventors are being named on supplemental sheet(s) attached hereto

PTO/90/01 (5-86)

Approved for use through 04/30/98. OMB 0651-0032

Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE
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8519

DECLARATION**ADDITIONAL INVENTOR(S)
Supplemental Sheet**

Name of Additional Joint Inventor, if any:

 A petition has been filed for this unsigned inventor

Given Name	Rolf-Joachim	Middle Initial		Family Name	Mueller	Suffix e.g., Jr.
------------	--------------	----------------	--	-------------	---------	---------------------

Inventor's Signature

Rolf-Joachim Mueller

Date 09. Mai 1997

Residence: City	Braunschweig	State	Country	Federal Republic of Germany	Citizenship	German
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Post Office Address	Mascheroder Weg 1, 38124 Braunschweig					
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Post Office Address						
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City	Braunschweig	State	Zip	Country	Federal Republic of Germany	
------	--------------	-------	-----	---------	-----------------------------	--

Name of Additional Joint Inventor, if any:

 A petition has been filed for this unsigned inventor

Given Name	Wolf-Dieter	Middle Initial		Family Name	Deckwar	Suffix e.g., Jr.
------------	-------------	----------------	--	-------------	---------	---------------------

Inventor's Signature	Wolf-Dieter Deckwar					
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Date 09. Mai 1997

Residence: City	Braunschweig	State	Country	Federal Republic of Germany	Citizenship	German
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Post Office Address	Mascheroder Weg 1, 38124 Braunschweig					
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Post Office Address						
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City	Braunschweig	State	Zip	Country	Federal Republic of Germany	
------	--------------	-------	-----	---------	-----------------------------	--

Name of Additional Joint Inventor, if any:

 A petition has been filed for this unsigned inventor

Given Name		Middle Initial		Family Name		Suffix e.g., Jr.
------------	--	----------------	--	-------------	--	---------------------

Inventor's Signature						
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Date

Residence: City		State	Country		Citizenship
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Post Office Address						
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Post Office Address						
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City		State	Zip	Country		
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Name of Additional Joint Inventor, if any:

 A petition has been filed for this unsigned inventor

Given Name		Middle Initial		Family Name		Suffix e.g., Jr.
------------	--	----------------	--	-------------	--	---------------------

Inventor's Signature						
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Date

Residence: City		State	Country		Citizenship
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Post Office Address						
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Post Office Address						
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City		State	Zip	Country		
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<input type="checkbox"/> Additional inventors are being named on supplemental sheet(s) attached hereto.						
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Please type a plus sign (+) in the box below.



Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.
PTQ-SB/01 (8-96)
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE
Valid for use through 9/30/98. OMB 0651-0032

DECLARATION

REGISTERED PRACTITIONER INFORMATION (Supplemental Sheet)

Name	Registration Number	Name	Registration Number
Ernie L. Brooks	26,260	Robert C. Brandenburg	29,048
James A. Kushman	25,634	Paul M. Schwartz	33,278
David R. Syrowik	27,956	James R. Ignatowski	26,741
Mark A. Cantor	30,614	A. Frank Duke	20,937
Ralph M. Burton	17,748	Timothy G. Newman	34,228
John A. Artz	25,824	John M. Halan	35,534
Robert C.J. Tuttle	27,962	Jeffrey M. Szuma	35,700
Earl J. LaFontaine	30,766	Frank A. Angileri	36,733
Ronald M. Nabozny	28,648	William G. Conger	31,209
Thomas A. Lewry	30,770	Robert C. Jones	35,209
John E. Nemazi	30,876	Rhonda L. McCoy-Pfau	37,887
Kevin J. Heinl	29,805	Christopher W. Quinn	38,274
William G. Abbatt	31,936	David S. Bir	38,383
Donald J. Harrington	17,427	Sangeeta G. Shah	38,614
Frederick M. Ritchie	18,669	Konstantine J. Diamond	39,657
Keith L. Zerschling	18,496	John S. Artz	36,431
Hugo Delevie	32,688		

PCT/EPO 5-12 7.72

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

**Biologically degradable polyester and working material consisting
the specification of which thereof**(check one) is attached hereto. was filed on _____ as

Application Serial No. _____

and was amended on _____

(if applicable)

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56(a).

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)

COUNTRY	APPLICATION NUMBER	DATE OF FILING (day, month, year)	PRIORITY CLAIMED
Germany	44 32 161.9	09 09 1994	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
Germany	(1)95 08 737.2	10 03 1995	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO

I hereby claim the benefit under Title 35, United States Code §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

APPLICATION NUMBER	DATE OF FILING (day, month, year)	STATUS (patented, pending, abandoned)

POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorney(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith. Joseph C. Sullivan, Registration No. 18,720; John Kurucz, Registration No. 18,688; Gerald Levy, Registration No. 24,419; Joseph T. Eisele, Registration No. 25,331; Ronald R. Santucci, Registration No. 28,968; William H. Dippert, Registration No. 28,723; Tiberiu Wetz, Registration No. 29,878; Ronald E. Brown, Registration No. 32,200 and John Guibin, Registration No. 33,1801 (we) further authorize (our) attorney to insert the proper serial number and filing date awarded to my (our) application on this document, above my (our) signatures(s).

SEND CORRESPONDENCE TO:		DIRECT TELEPHONE CALLS TO: (name and telephone number)	
KANE, DALSIMER, SULLIVAN, KURUCZ, LEVY, EISELE and RICHARD 711 Third Avenue New York, New York 10017-4088		212 687-6000	

1 2	FULL NAME OF INVENTOR	FAMILY NAME Witt	FIRST GIVEN NAME Uwe	SECOND GIVEN NAME
	RESIDENCE & CITIZENSHIP	CITY Braunschweig	STATE OR FOREIGN COUNTRY FRG	COUNTRY OF CITIZENSHIP
3 4	POST OFFICE ADDRESS	Mascheroder Weg 1, 38124 Braunschweig		
	FULL NAME OF INVENTOR	FAMILY NAME Mueller	FIRST GIVEN NAME Rolf-Joachim	SECOND GIVEN NAME
5 6	RESIDENCE & CITIZENSHIP	CITY Braunschweig	STATE OR FOREIGN COUNTRY	COUNTRY OF CITIZENSHIP
	POST OFFICE ADDRESS	Mascheroder Weg 1, 38124 Braunschweig		
7 8	FULL NAME OF INVENTOR	FAMILY NAME Deckwer	FIRST GIVEN NAME Wolf-Dieter	SECOND GIVEN NAME
	RESIDENCE & CITIZENSHIP	CITY Braunschweig	STATE OR FOREIGN COUNTRY	COUNTRY OF CITIZENSHIP
POST OFFICE ADDRESS	Mascheroder Weg 1, 38124 Braunschweig			

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

SIGNATURE OF INVENTOR 201	SIGNATURE OF INVENTOR 202	SIGNATURE OF INVENTOR 203
Uwe Witt	Rolf-Joachim Witt	Wolf-Dieter Deckwer
DATE 08.08.1995	DATE 08.08.1995	DATE 08.08.1995

13 FEB 2000



William G. Conger
1000 Town Center
Twenty-Second Floor
Southfield, MI 48075

In re Application of
Uwe Witt et al.
Serial No. 08/793966
PCT No.: PCT/EP95/02722
Int. Filing Date: 12 July 1995
Priority Date: 09 September 1994
Attorney's Docket No.: BOET 0103 PUSA
For: Biologically Degradable Polyester and Working
Material Consisting Thereof

UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

Patent Cooperation Treaty
Legal Office

Address: Assistant Commissioner for Patents
Box PCT
Washington, D.C. 20231

DECISION

ON

PETITION

Due: 4-3-00
2nd

This is in response to the "Combined Petition for Revival of an Application for Patent Abandoned Unavoidably Under 37 C.F.R. 1.137(a) and Showing Related Thereto Under 37 C.F.R. 1.137(a)(3)" of 05 April 1999.

BACKGROUND

On 27 June 1996, applicant filed international application No. PCT/EP95/02722 which claimed an earliest priority date of 09 September 1994 and which designated the United States.

On 04 April 1996, a Demand was filed with the International Preliminary Examining Authority electing the United States. The election was made prior to the expiration of 19 months from the priority date. As a result, the deadline for submission of a copy of the international application (unless previously communicated by the International Bureau) and payment of the basic national fee was extended to expire 30 months from the priority date, on 10 March 1997 (since 09 March 1997 was a Sunday).

On 10 March 1997, applicant filed a transmittal letter for entry into the national stage in the United States. The transmittal letter was accompanied by, *inter alia*, the basic national fee.

On 16 April 1997, a Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US) (Form PCT/DO/EO/905) and a Notification of a Defective Oath or Declaration (Form PCT/DO/EO/917) were mailed to applicant, requiring the submission of an oath or declaration in compliance with 37 CFR

1.497(a) and (b) and a surcharge under 37 CFR 1.492(e) by 19 May 1997 (since 17 May 1997 was a Saturday). The declaration was deemed defective in that it did not identify the citizenship of each inventor, and did not identify the city and state or city and foreign country of residence of each inventor.

On 15 May 1997, applicant submitted a "Declaration for Utility or Design Patent Application" which identified the name, city and country of residence, citizenship, and post office address of each of the inventors, but which was not signed by inventor Uwe Witt.

On 25 June 1997, a Notification of a Defective Response (Form PCT/DO/EO/916) and a Notification of a Defective Oath or Declaration (Form PCT/DO/EO/917) were mailed to applicant, indicating that all of the requirements set forth in the PCT/DO/EO/905 mailed on 16 April 1997 had not been met in that the declaration of 15 May 1997 had not been executed by all of the inventors in accordance with 37 CFR 1.66 or 1.68. The PCT/DO/EO/916 set a one month time limit to complete the response to the PCT/DO/EO/905 mailed on 16 April 1997.

On 08 July 1997, applicant submitted an "Applicants' Response to 'Notification of a Defective Response'", which indicated that the declarations of 15 May 1997 and 10 March 1997, taken together, fully satisfied the requirements of 37 CFR 1.497 and 1.63 and requested acknowledgment of such satisfaction.

On 02 January 1998, a Notification of Abandonment (Form PCT/DO/EO/909) was mailed to applicant, indicating that this application had been abandoned as to the United States because "Applicant has failed to properly respond to the defective response notice. 1st Declaration citizenship was omitted 2nd Declaration one applicant did not sign."

On 17 September 1998, applicant submitted a Status Letter.

On 17 November 1998, a communication was mailed to applicant in response to the status letter of 17 September 1998, indicating that the application had become abandoned as reflected by the Form PCT/DO/EO/909 mailed on 02 January 1998. A copy of said Form PCT/DO/EO/909 accompanied the communication.

On 05 April 1999, applicant submitted the instant petition.

DISCUSSION

A grantable petition to revive an abandoned application under 37 CFR 1.137(a) must be accompanied by (1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof; (2) the petition fee as set forth in § 1.17(l); (3) a showing to the satisfaction of the Commissioner that the entire delay in filing the required reply from the due

date for the reply until the filing of a grantable petition pursuant to this paragraph was unavoidable; and (4) any terminal disclaimer (and fee as set forth in § 1.20 (d)) required pursuant to paragraph (c) of this section. This petition does not satisfy requirement (3).

Petitioner has failed to provide a showing to the satisfaction of the Commissioner that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unavoidable. Petitioner did not submit a proper oath or declaration until the filing of the declaration accompanying the instant petition, on 05 April 1999. The declarations submitted on 10 March 1997 and 15 May 1997 do not constitute the required reply to the Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US) (Form PCT/DO/EO/905) and a Notification of a Defective Oath or Declaration (Form PCT/DO/EO/917) of 16 April 1997 because Uwe Witt did not attest to his country of citizenship in either declaration. Petitioner argues that the declarations, taken together, "give all the required data" and that therefore no further declaration is required under the practice of MPEP 602.02. Unfortunately, the declarations of 10 March 1997 and 15 May 1997 do not "give all the required data" in that inventor Uwe Witt did not execute all of the required data. As such, the two declarations, even taken together, are incomplete and so do not constitute the required reply. Therefore, the required reply was not submitted until the filing of the declaration accompanying the petition of 05 April 1999.

Petitioner argues that the portion of the delay in filing the required reply extending from the filing of the defective declaration of 15 May 1997 to the filing of a grantable petition was unavoidable because "Applicants could not be aware that their response was insufficient without being notified of any alleged insufficiency" and that "Because Applicants never received any notification that this time period was running, and because Applicants never received any indication that the case was abandoned, Applicants submit that the abandonment was unavoidable." However, petitioner was notified that the declaration of 10 March 1997 was defective by the Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US) (Form PCT/DO/EO/905) and a Notification of a Defective Oath or Declaration (Form PCT/DO/EO/917) mailed on 16 April 1997. Petitioner was notified that the declaration of 15 May 1997 was defective by the Notification of a Defective Response (Form PCT/DO/EO/916) and a Notification of a Defective Oath or Declaration (Form PCT/DO/EO/917) of 25 June 1997. Therefore, petitioner was notified that both declarations were insufficient. Given such notice, petitioner was required to exercise appropriate diligence in submitting the required reply in a timely manner. Petitioner has not shown why, despite such notification, the delay in submitting a proper oath or declaration was unavoidable within the meaning of 37 CFR 1.137(a).

Petitioner argues that the Notification of Abandonment mailed on 02 January 1998 was not received, failed to properly identify the subject application and applicant, and was mailed to an incorrect address. Review of the record reveals that the Notification of Abandonment in fact did contain erroneous information, and was in fact not mailed to

applicants' correspondence address of record. Notwithstanding these facts, any improper mailing of the Notification of Abandonment does not operate to excuse petitioner from the requirement to exercise due diligence in responding to the Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US) (Form PCT/DO/EO/905) and a Notification of a Defective Oath or Declaration (Form PCT/DO/EO/917) mailed on 16 April 1997 and the Notification of a Defective Response (Form PCT/DO/EO/916) and a Notification of a Defective Oath or Declaration (Form PCT/DO/EO/917) of 25 June 1997. As such, petitioner's arguments concerning the Notification of Abandonment are not sufficient to establish unavoidable delay within the meaning of 37 CFR 1.137(a).

DECISION

For the above reasons, Applicant's Request in the above-captioned application is **DISMISSED** without prejudice.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mailing date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. Any such request for reconsideration should include a cover letter entitled "Renewed Petition Under 37 CFR 1.137(a)." Applicant may also wish to consider filing a petition under 37 CFR 1.137(b).

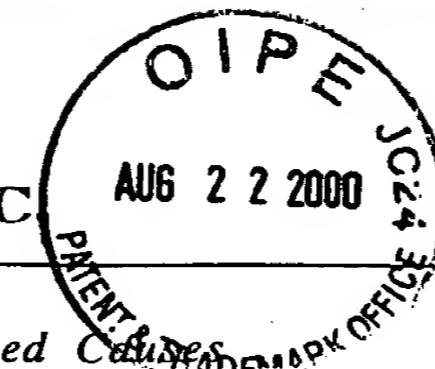
Any further correspondence with respect to this matter should be addressed to the Assistant Commissioner for Patents, Box PCT, Washington, DC 20231, with the contents of the letter marked to the attention of the PCT Legal Office.



Richard Cole
PCT Legal Examiner
PCT Legal Office



George M. Dombroske
PCT Legal Examiner
PCT Legal Office
Tel: (703) 308-6721
Fax: (703) 308-6459

*Intellectual Property and Technology Related Counsel*

Ernie L. Brooks	John E. Nemazi	Frank A. Angileri	A. Frank Duke	Michael S. Brodbine	Registered
James A. Kushman	Kevin J. Heinl	William G. Conger	James R. Ignatowski	Seth E. Rodack	Patent Agents
David R. Syrowik	William G. Abbott	Christopher W. Quinn	Konstantine J. Diamond	Pete N. Kiousis	
Mark A. Cantor	Donald J. Harrington	Sangeeta G. Shah	David S. Bir	Raymond J. Vivacqua	Mark D. Chuey, Ph.D.
Ralph M. Burton	Paul M. Schwartz	George R. Mosher	James N. Kallis	John J. Ignatowski	Stephanie M. Mansfield, Ph.D.
Robert C. J. Tuttle	Timothy G. Newman	Frederick M. Ritchie	Hugo A. Delevie	James W. Proscia	Jeremy J. Curcuri
Earl J. LaFontaine	John M. Halan	John M. Sheridan	Ralph E. Smith	Ginta D. Kukainis	Robert C. Jones
Ronald M. Nabozny	Jeffrey M. Szuma	Elizabeth F. Janda	Gigette M. Bejin	Lawrence G. Almeda	Matthew R. Mowers
Thomas A. Lewry	Maria Franek Angileri	Robert C. Brandenburg	Mark E. Stuenkel		

March 2, 2000

Dr. Hans D. Boeters
 BOETERS & BAUER
 Bereiteranger 15
 D-81541 München
 GERMANY

VIA FACSIMILE
ORIGINAL BY MAIL

**Re: National Phase In The United States
 Corresponding to Patent Cooperation Treaty
 Serial No. PCT/EP95/02722
 Filed: 12 July 1995
 Title: BIOLOGICALLY DEGRADABLE POLYESTER AND
 WORKING MATERIAL CONSISTING THEREOF
 Your Ref.: 8519
 Our File: BOET 0103 PUSA**

Dear Dr. Boeters:

The two Declarations filed with this case, each lacking certain data regarding either or both of country of residence or citizenship, were held by the PCT Legal Office of the U.S.P.T.O. to be legally insufficient in their "Notification of Defective Response" dated June 30, 1997. In response, we argued that while each Declaration, standing alone, might be insufficient, the two Declarations together supplied all the necessary data. We also, at the same time, requested acknowledgment that the two Declarations were sufficient. However, we heard nothing from the Office until we submitted a Status Request on September 14, 1998. Following this Status Request, we were informed that a Notice of Abandonment was mailed on January 2, 1998. We obtained a fax copy from the Patent Office, and determined that it had been mailed to someone in Greece.

We disagree with the conclusion of the PCT legal branch that the two Declarations together are not sufficient, and also object to the procedure followed by the Patent Office. Accordingly, we filed a Petition for Revival of the application based on "unavoidable abandonment", since we were never notified, as requested in our response of July 8, 1997, that the Office disagreed with our conclusion that the two Declarations together were legally sufficient.



Dr. Hans D. Boeters
February 29, 2000
Page 2

We have now received an adverse decision on our petition. While we still believe that the Office is in error, we must now decide what further action to take. If the client still wishes to pursue the patent, then we could 1) request reconsideration of the Decision on the petition, or 2) convert the Petition to one of unintentional abandonment, which requires a fee of \$650.00

Based on my experience, I do not believe the Office will reverse their decision on the petition. Therefore, if the client wishes to retain the application, I would recommend converting the petition to one for unintentional abandonment, paying the extra fee.

The chain of events is very unfortunate, but was caused by the inadequacy of the two initial Declarations. As you may recall, one inventor was unavailable to the client at the time the second Declaration was required. Apparently, he has since been located, as we did receive, pursuant to our request of November 24, 1998, a Declaration which meet all the requirements and was executed by all inventors. This Declaration was filed with our Petition, and does not require refiling.

Please inform us as soon as possible of what course of action to take. We have until **April 3, 2000** to take action without incurring fees for extension of time.

Very truly yours,

BROOKS & KUSHMAN P.C.



William G. Conger

WGC/slk
Enclosures



BROOKS & KUSHMAN P. C.

Intellectual Property and Technology Related Causes

Eric L. Brooks	John S. Horner	A. Frank Duke	William G. Brashier	Mark O. Coughlin
Jessica A. Kuchta	Karen J. Held	James R. Iglesias	Seth E. Rodica	Stephane M. Mercier, Ph.D.
Doris R. Oyama	Patricia G. Albert	Konstantine J. Oberndorff	Pete M. Stoops	Felix J. Cervantes
Mark A. Cedar	Donald J. Hartenstein	Gerald E. Vanek	Reinhard J. Veneczel	Anthony C. Jones
Robert M. Burton	Paul M. Schatz	David H. Kell	John J. Hernandez	Robert R. Stevens
Robert C. J. Brink	Timothy O. Neumann	Hugo A. Belenkis	James W. Prosek	
Earl A. Leshtrom	John M. Carlson	Rafael G. Sober	Gilda D. Kotsopoulos	
Howard M. Shultz	Jeffrey M. Jacobs	Claudia M. Zelini	Lorraine O. Alvarez	
Maria Freixa Angel	Robert C. Brandenburg	Mark L. Buelow		
Thomas A. Lemay				

March 2, 2000

VIA FACSIMILE
OPTIONAL BY MAIL

Dr. Hans D. Boeters
BOETERS & BAUER
Bereitstr. 15
D-81541 München

M V 28 - 2000

Dear Mr Conner:

We regret to say that we have never received your March 2, 2000 letter. Please file a petition of unintentional abandonment and pay the extension fees. Thank you very much for your assistance. Kind regards,

Re: National Phase In The United States
Corresponding to Patent Cooperation Treaty
Serial No. PCT/EP95/02722
Filed: 12 July 1995
Title: BIOLOGICALLY DEGRADABLE P
WORKING MATERIAL CONSISTI
Your Ref.: 6519 ✓5 703 966
Our File: BOET 0103 PUJA

The two Declarations filed with this case, each lacking certain data regarding either or both of country of residence or citizenship, were held by the PCT Legal Office of the U.S.P.T.O. to be legally insufficient in their "Notification of Defective Response" dated June 30, 1997. In response, we argued that while each Declaration, standing alone, might be insufficient, the two Declarations together supplied all the necessary data. We also, at the same time, requested acknowledgement that the two Declarations were sufficient. However, we heard nothing from the Office until we submitted a Status Request on September 14, 1998. Following this Status Request, we were informed that a Notice of Abandonment was mailed on January 2, 1998. We obtained a fax copy from the Patent Office, and determined that it had been mailed to someone in Greece.

We disagree with the conclusion of the PCT legal branch that the two Declarations together are not sufficient, and also object to the procedure followed by the Patent Office. Accordingly, we filed a Petition for Revival of the application based on "unavoidable abandonment", since we were never notified, as requested in our response of July 8, 1997, that

1630 TOWN CENTER, TWENTY-SECOND FLOOR, YOUTHSFIELD, MICHIGAN 49108

#7488 P.001/001

BOETERS & BAUER

28. JUL. 2000 17:44 +49 89 653962

DECLARATION FOR PATENT APPLICATION AND POWER OF ATTORNEY



11-262-866

Atty. Docket No. BOET 0103 PUSA
First Named Inventor Uwe Witt et al.

As a below named inventor, I hereby declare that my residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

BIOLOGICALLY DEGRADABLE POLYESTER AND WORKING MATERIAL CONSISTING THEREOF

the specification of which:

- [] is attached hereto; or
 [] was filed on (MM/DD/YYYY) March 10, 1997 as U.S. Application Number or PCT International Application Number PCT/EP95/02722, and was amended on (MM/DD/YYYY) _____ (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, § 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below, and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or of any PCT international application having a filing date before that of the application on which priority is claimed.

<i>Prior Foreign Application Number(s)</i>	<i>Country</i>	<i>Foreign Priority Date (MM/DD/YYYY)</i>	<i>Priority Not Claimed</i>	<i>Certified Copy Attached? (Yes/No)</i>
44 32 161.9	Germany	September 9, 1994		No
(1) 95 08 737.2	Germany	March 10, 1995		No

I hereby claim the benefit under Title 35, United States Code, § 119(e) of any United States provisional application(s) listed below.

<i>Application Number(s)</i>	<i>Filing Date (MM/DD/YYYY)</i>

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application.

<i>Application Number(s)</i>	<i>Filing Date (MM/DD/YYYY)</i>	<i>Status: Patented, Pending, Abandoned</i>

Declaration for Patent Application (cont'd.)

Atty. Docket No. BOET 0103 PUSA

I hereby appoint the following registered practitioners to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

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